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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 000157

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SUBJECT: DOES JORDAN NEED AN OMBUDSMAN?

REF: A. 07 AMMAN 5061

- [1B.](#) 07 TASHKENT 1949
- [1C.](#) 07 GUATEMALA 2070
- [1D.](#) 07 SAN SALVADOR 1720

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Classified By: Ambassador David Hale
for reasons 1.4 (b) and (d).

[11.](#) (C) Summary: The Jordanian parliament's Legal Committee is currently considering a draft law which would establish a national ombudsman's office. The ombudsman was conceived as an anti-corruption tool, as well as a vehicle to provide more efficient services to citizens. In an unusual procedure, the draft legislation was referred by the lower house to a governmental dispute panel to resolve issues surrounding who will appoint the ombudsman. The National Center for Human Rights is excited about the idea of an ombudsman, mostly because it will deal with burdensome work which the government places upon it for lack of a more competent authority. Others in the NGO and political worlds dismiss the idea as window dressing. End Summary.

The Idea of an Ombudsman

[12.](#) (U) Jordan's parliament is currently discussing a law which would establish a national ombudsman's office. The idea of an ombudsman has been floating around for over a decade, but started to take on concrete proportions during the National Agenda process. A law to create an ombudsman was proposed as part of a slate of anti-corruption and reform measures introduced in the spring of 2007 (Ref A). The office of ombudsman is a phenomenon found in several other (mostly developing) countries in the world, and has been used as a weapon in the fight against corruption as well as a tool that aims to promote the government as a provider of services to citizens (Refs B, C, D).

[13.](#) (SBU) The proposed role of Jordan's ombudsman is to receive complaints about government services, investigate cases of corruption (or refer them to the Anti-Corruption Commission - Ref A), and serve as a springboard for policy ideas emanating from the public. The ombudsman would benefit from limited legal immunities, and have a budget theoretically independent from governmental interference. That budget would at least initially be supplemented with a pledge of nearly one million dollars from the Danish government; the Danish ombudsman's office has also pledged technical cooperation. The office would also be provided with a staff independent of normal civil service hiring mechanisms (so as to prevent the use of "wasta" - Ref A).

Parliamentary (In)Action

14. (SBU) Parliament's Legal Committee started working on the ombudsman law early in the new session. Note: The draft was "left over" from the previous Parliament. End Note. The Legal Committee's first act was to change the draft law to read that the Prime Minister would have sole authority to appoint the ombudsman, rather than the original proposal of a special committee composed of Justice Ministry officials and members of parliament. This change sparked heated debate within parliament about the necessity for independence in the ombudsman's work. On January 14, the Parliament's Legal Committee referred the draft law to the High Tribunal, a body composed of three senators and five judges, to "interpret" the draft law and determine the best way forward. Note: This is an unusual step, as the High Tribunal (which normally deals only with impeachment proceedings against ministers) is constitutionally endowed with the right to issue decisions on laws which are already in effect, not on draft pieces of legislation. According to Article 123 of Jordan's constitution, the High Tribunal can only be instructed to issue a decision on a law on the orders of the Prime Minister, not parliament. End Note.

Will It Work?

15. (C) Shaher Bak, head of the quasi-governmental but independent National Center for Human Rights (NCHR), is very supportive of the idea of an ombudsman. The main reason for this support is that NCHR has for the last several years essentially functioned as a de facto ombudsman, yet without the immunities or financial support from the government that the ombudsman will end up receiving. "An ombudsman will be very useful for us in terms of sharing the workload," he says. Bak is looking forward to an official partner that NCHR can work with on issues such as migrant workers and the Qualified Industrial Zones (QIZs), which are not technically part of NCHR's mandate but have become part of its reporting

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stream as there are no other bodies in Jordan equipped to handle complaints from the public - or in the case of QIZ workers - no independent, non-ministry affiliated bodies which can provide them relief.

16. (C) Despite NCHR's enthusiastic approval, cynicism is the dominant reaction to the ombudsman law among Post contacts in Jordan's parliament and civil society. "The people in government are the ones who are using the law in the first place," rants activist Sa'eda Kilani. "If you don't deal with the main issues underlying poor provision of services, then the ombudsman will have almost no impact." Mahmoud Kharabsheh, an MP and member of the Legal Committee, doubts that the ombudsman will be allowed to have any real effect on corruption or mismanagement. He posits that like so many other laws in Jordan, the idea is good but implementation is where things will fall apart. Chuckling at the impetuous naivete of foreigners, Deputy Speaker of Parliament Mamdouh Abbadi says of the ombudsman law: "This is a joke. The law will not have any effect, no matter how hard we try to strengthen it." Like his colleague Mahmoud Kharabsheh, Abbadi predicts that lack of enforcement and official indifference will doom the office of the ombudsman before it even comes into existence.

Comment

17. (C) The ombudsman concept has great potential in terms of building Jordan's institutional capacity to deal with the increasing demands for services among its population. It may also provide the Anti-Corruption Commission with a partner to bridge the gap between the people and the bureaucracy when it comes to government malfeasance. Furthermore, the ombudsman's office will likely serve as a convenient place for politicians and government officials to deflect popular

anger, allowing them to concentrate on the issues at hand. While the cynics often acknowledge the potential of an ombudsman, they are quick to point to the experience of the Anti-Corruption Commission and previous reform efforts, which foundered under the lack of political will to implement the ideas enshrined in the law. If experience is any indication, the power of the ombudsman to do anything about public complaints is likely to be extremely limited in practice.

Hale